

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH BRUNEAU,

Plaintiff,

v.

AQUINAS COLLEGE,

Defendant.

Case No. 1:19-cv-1037

HONORABLE PAUL L. MALONEY

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff initiated this lawsuit by filing his complaint on December 10, 2018. Defendant filed a motion for dismissal or other sanction based upon Plaintiff's violation of court discovery order. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on May 19, 2021, recommending that this Court deny the motion as to dismissal of the action, but grant the motion with respect to other sanctions pursuant to Fed. R. Civ. P. 37. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 60) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for dismissal or other sanction based upon Plaintiff's violation of court discovery order (ECF No. 44) is GRANTED IN PART AND DENIED IN PART.

IT IS FURTHER ORDERED that:

- A. For purposes of this action, it is established that Plaintiff was arrested and convicted of crimes of violence after his expulsion from Aquinas College in 1990.
- B. Plaintiff may not present any evidence to oppose any defenses raised by Defendant which rely on his criminal history.
- C. Plaintiff will pay reasonable expenses, including attorney fees, caused by his failure to comply with the discovery order. Defendant's counsel may submit a petition for fees and expenses related to the filing of the motion by **July 6, 2021**.

Dated: June 14, 2021

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge